

Order

Michigan Supreme Court
Lansing, Michigan

February 8, 2008

Clifford W. Taylor,
Chief Justice

135036

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DAVID KWIATKOWSKI,
Plaintiff-Appellant,

v

SC: 135036
COA: 272106
Lenawee CC: 05-001891-NO

COACHLIGHT ESTATES OF BLISSFIELD,
INC., and DANIEL P. RUPP,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the July 3, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the July 10, 2006 order of the Lenawee Circuit Court denying summary disposition on plaintiff's negligence claim for the reasons stated in the Court of Appeals dissenting opinion. We REMAND this case to the circuit court for further proceedings not inconsistent with this order.

MARKMAN, J., dissents and states as follows:

I concur with the analysis and conclusion of the Court of Appeals and would deny leave to appeal. In particular I agree with the Court of Appeals that plaintiff's claim sounds in premises liability, not general or ordinary negligence.

CORRIGAN, J., joins the statement of MARKMAN, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 8, 2008

Corbin R. Davis

Clerk